

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, )  
Plaintiff, ) No. CR-06-024-EFS  
v. ) ORDER DENYING DEFENDANT'S  
JUSTIN JOSEPH CERRUTI, ) SECOND MOTION FOR  
Defendant. ) RECONSIDERATION SETTING  
 ) CONDITIONS OF RELEASE

Before the court is defendant's Second Motion for Reconsideration Setting Conditions of Release (Ct. Rec. 52), taken under advisement after hearing on November 3, 2006, to permit review of the new proposed release plan with Dustin and Dawn Smith. Assistant U.S. Attorney George Jacobs appeared for the United States. Defendant was present with counsel Bevan Maxey.

Mr. Smith has known defendant since they were children. Mr. and Mrs. Smith have two small children and are willing to have defendant live with them in their home while he undergoes intensive out-patient treatment. Although Mr. Smith's declaration reflects he is aware of the pending charges against defendant, it does not state awareness of the contention that defendant's mother purchased a weapon found in defendant's possession for his protection after he

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1 received death threats. As such, the undersigned is unable to  
2 conclude the residence plan is sufficiently structured to permit  
3 defendant's release at this time to the prospective sponsors. The  
4 motion, therefore, must be DENIED.

5 **IT IS SO ORDERED.**

6 DATED November 22, 2006.

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8                        s/ CYNTHIA IMBROGNO  
9                        UNITED STATES MAGISTRATE JUDGE

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